



## APPROVED SUMMARY MINUTES

**CITY OF SCOTTSDALE  
PERSONNEL BOARD MEETING**  
8:30AM., Tuesday, January 14, 2014  
HR Pinnacle Training Room  
7575 E. Main Street  
Scottsdale, Arizona 85251

### **PRESENT**

**Board Members:** June Cohen (Chair)  
Lyle Ferger (Vice Chair)  
Jennifer Pollock, Board Legal Counsel  
Bernadette La Mazza, Human Resources Manager

**Respondent:** Dan Worth, Executive Director, Public Works  
William Hylen, Respondent Counsel

**Appellant:** Adam Tafoya

**Respondent Witnesses:** Oscar Espinoza  
Renee Gillison  
Frank Moreno

**Appellant Witnesses:** David Bennett  
Jim Spahn  
Cruz Robles  
JJ Hernandez

**Staff:** Lorelei Oien

### **CALL TO ORDER**

Chair Cohen called the Personnel Board Hearing meeting to order at 8:27 a.m. Roll call confirmed the presence of Board members as noted.

#### **1. HEARING ON APPEAL OF TWO DAY SUSPENSION OF ADAM TAFOYA**

The hearing convened at 8:27 a.m. with introductions of the Board, Appellant Party and Respondent Party, followed by Chair Cohen's statement of the authority of the Board and the rules of order that were to apply during the hearing.



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Chair Cohen called for the witnesses, asked each one to stand, raise their right hands, and administered the oath.

Chair Cohen asked if either Party wished to exclude any or all witnesses from hearing the testimony of the others; Mr. Tafoya requested that the witnesses from Solid Waste be excluded from hearing the testimony of the other witnesses. With the rule for exclusion being implemented, the witnesses were moved to an adjoining room to wait to be called for their testimony after opening statements were completed.

Chair Cohen asked Bernadette La Mazza, Human Resources Manager, to enter into the record the case to be heard by the Board.

Chair Cohen asked each Party to make a brief opening statement of not more than ten minutes; Mr. Worth, Respondent, proceeded first, followed by Mr. Tafoya, Appellant.

Chair Cohen asked Mr. Worth to present the Respondent's evidence and call witnesses in support of the charges.

At 10:07 am, Chair Cohen called for a 10 minute break; the hearing was reconvened at 10:19 a.m.

Upon conclusion of Respondent's testimony, cross examination, and questions by the board members, Chair Cohen called for a thirty minute lunch break at 12:15 p.m.

Chair Cohen called the hearing back to order at 12:49 p.m. and asked Mr. Tafoya to present the Appellant's evidence and call witnesses in support of the appeal. Upon conclusion of all testimony, cross examination and questions by the board members, Chair Cohen called for summations and explained that each Party would have up to 10 minutes each to present a summation of their positions, beginning with the Respondent. Upon the conclusion of Mr. Worth's summation, Mr. Tafoya presented for himself.

**2. MOTION TO RECESS INTO EXECUTIVE SESSION**

The Board agreed there was no need to recess into Executive Session.

**3. DISCUSSION OF EVIDENCE AND DELIBERATION BY BOARD**

The Board discussed the findings of fact, their conclusions, and recommendation to the City Manager.

**4. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION TO CITY MANAGER**

Chair Cohen moved to approve the Board's Findings of Fact that: (1) The August 23, 2012, date that is mentioned in the two-day suspension document and is one of the dates of discussion upon which the determination for suspension was predicated was concerning in that none of the Solid Waste Managers were aware of what occurred on that date nor did they take ownership; (2) The Solid Waste department did not properly document all the performance problems that needed to be addressed and did not provide indication of possible disciplinary action; (3) Scottsdale line management had every right to proceed with suspension based on the excessive absenteeism and tardiness and the



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impact on the efficiency and effectiveness of the department. Motion approved with a vote of two (2) to zero (0).

Chair Cohen moved that the Board uphold the City of Scottsdale's determination based on SRC 14-70 (b), seconded by Vice-Chair Ferger. Motion approved with a vote of two (2) to zero (0).

Chair Cohen moved that the Board uphold the City of Scottsdale's determination based on SRC 14-72 (12), seconded by Vice-Chair Ferger. Motion approved with a vote of two (2) to zero (0).

**5. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON APRIL 9, 2013**

Vice-Chair Ferger moved to approve the April 9, 2013, regular meeting minutes of the Personnel Board, seconded by Chair Cohen. Motion approved with a vote of two (2) to zero (0).

**6. APPROVAL OF 2013 PERSONNEL BOARD ANNUAL REPORT**

Vice-Chair Ferger moved to approve the 2013 Personnel Board Annual Report as presented, seconded by Chair Cohen. Motion approved with a vote of two (2) to zero (0).

**7. ELECTION OF CHAIR AND VICE-CHAIR**

Vice-Chair Ferger moved to reappoint Chair Cohen to serve in her current position on the Personnel Board for the 2014 calendar year, seconded by Chair Cohen. Motion approved with a vote of two (2) to zero (0). Chair Cohen moved to reappoint Vice-Chair Ferger to serve in his current position on the Personnel Board for the 2014 calendar year, seconded by Vice-Chair Ferger. Motion approved with a vote of two (2) to zero (0).

**8. FUTURE AGENDA ITEMS\***

*Action: No discussion, but possible direction to staff relating to placing items on future agenda(s).*

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 2:51 p.m.

Respectfully submitted,

Bernadette La Mazza  
Human Resources Manager

Reviewed by,

June Cohen  
Chairperson, Personnel Board



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